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AO 91 (Rev. 11/11) Criminal Complaint

Special Agent: George Linen, ATF

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Loretta Griffith

Case: 2:19-mj-30149

Judge: Unassigned,

Filed: 03-28-2019

CMP: SEALED MATTER (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 29, 2018 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:


*Code Section**Offense Description*

18 USC § 922(a)(6)

False Statement During the Purchase of a Firearm

This criminal complaint is based on these facts:

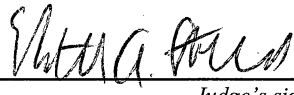
See attached affidavit

☒ Continued on the attached sheet.
Complainant's signature

Special Agent, George Linen, ATF Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: March 28, 2019City and state: Detroit, Michigan
Judge's signature

Elizabeth A. Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent George Linen, first being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice, since September 2004, currently assigned to the Detroit Field Division. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment as a federal law enforcement officer, I have conducted and participated in over one-hundred criminal investigations focused on illegal firearms and/or armed drug trafficking violations.
2. I make this affidavit from personal knowledge based on my participation in this investigation. This information comes from my personal observations, communications with other law enforcement officers, witnesses interviewed by law enforcement, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.
3. The information outlined herein is provided for the limited purpose of establishing probable cause that Loretta GRIFFITH (DOB xx/xx/1965) has violated Title 18 U.S.C. § 922(a)(6) (false statement during purchase of a firearm), and does not contain all details or facts known to law enforcement pertaining to this investigation.

Probable Cause

4. On November 16, 2018, at 2:37pm, surveillance observed a 2017 Ford Escape (MI Plate BLH 1181, registered to GRIFFITH, at 4607 Ohara Rd., Carleton, MI) arrive at 49 Ridge St., Ecorse, MI, the known address of Keith LONG, date of birth XX/XX/1980. The driver, resembling GRIFFITH exits the driver's seat and enters the front passenger seat. Keith LONG exits 49 Ridge St carrying a long gun case and places it in the rear passenger side of the vehicle. LONG enters the driver's seat and departs with GRIFFITH.



5. On November 16, 2018, at 3:57pm, LONG and GRIFFITH returned, with LONG driving and GRIFFITH as the front passenger. After an embrace, GRIFFITH entered the driver's seat and LONG retrieved the long gun case from the rear

passenger side of the vehicle, before returning to 49 Ridge St., Ecorse, MI. GRIFFITH then departed in her Ford Escape.



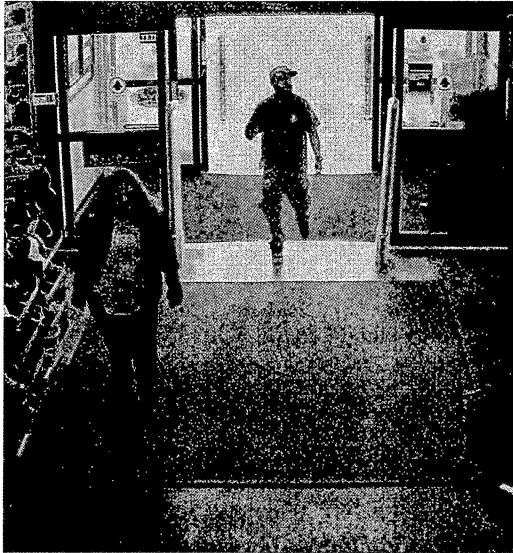
6. On November 20, 2018, ATF conducted a search warrant at 49 Ridge St., Ecorse, MI, during which one Sun City Machinery Co. Ltd., 12 gauge Shotgun, Model Stevens 320, serial number 180564B was recovered. Present during the execution of the search warrant was Keith LONG, as well as two additional adult females and five children. Additionally, a long gun case, consistent with the case observed on surveillance, was located inside the door utilized by LONG during surveillance observations.
7. On November 21, 2018, ATF SA George Linen consulted with certified firearms Interstate Nexus expert ATF Special Agent Joshua McLean, concerning the manufacture of the above-mentioned Sun City Machinery Co., Stevens 320, 12

Gauge Shotgun, serial number 180564B. Special Agent McLean stated that the firearm was manufactured outside the State of Michigan and was manufactured after 1897. Therefore it traveled in and affected interstate commerce to reach the State of Michigan.

8. As a result of the ongoing investigation, Keith LONG was charged in a federal indictment with violating Title 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm).
9. ATF, through the use of the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Tracing Center, discovered that the shotgun that was seized from 49 Ridge St. on November 20, 2018 was purchased by Loretta GRIFFITH, on September 29, 2018, from Dunham's Sports, store #9005 in Allen Park, within the Eastern District of Michigan.
10. Dunham's Sports, store #9005, is a federally licensed firearms dealer.
11. To purchase a firearm, the purchaser must fill out a federal form entitled "Firearms Transaction Record," or ATF Form 4473. On every Form 4473, question 11.a. asks whether the individual filling out the form is the "actual transferee/buyer," and warns that "you are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person." Under federal law, with a few exceptions, the purchaser is not allowed to purchase a firearm for someone else. This is called a "straw purchase" and violates 18 U.S.C. § 922(a)(6), which prohibits making a false statement during the purchase of a firearm.
12. On December 6, 2018, SA Linen received the CCTV video from Dunham's store # 9005 showing GRIFFITH'S purchase of the above referenced shotgun on September 29, 2018.

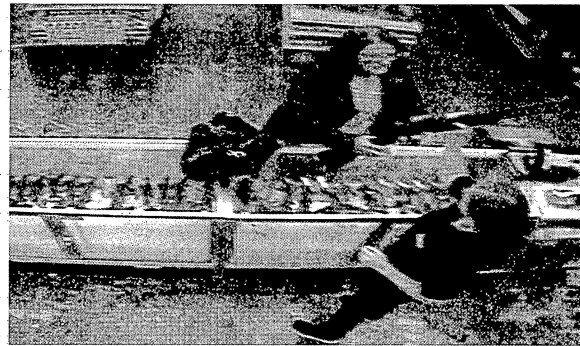
13. On December 6, 2018, SA Linen reviewed the video and summarized it, as seen below:

- GRIFFITH and LONG enter Dunham's store #9005 together:

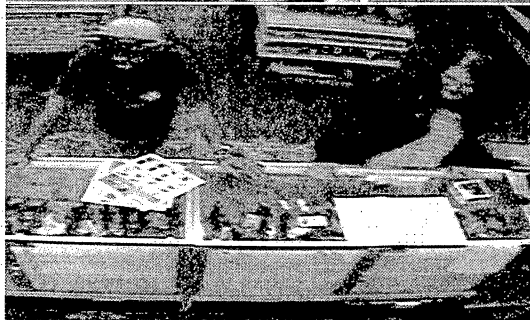
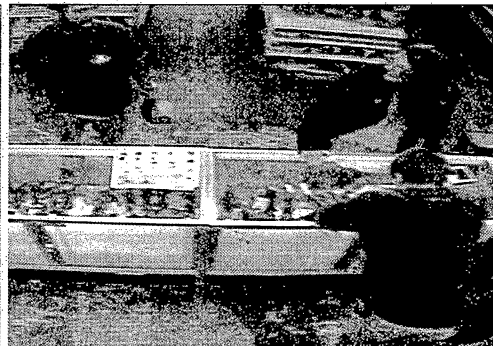


- LONG can be seen at the firearms counter opening what appears to be a sales flyer to a specific page. LONG then walks away from the counter and GRIFFITH approaches the same sales flyer at the counter. GRIFFITH then consults with a sales representative who retrieves a shotgun:

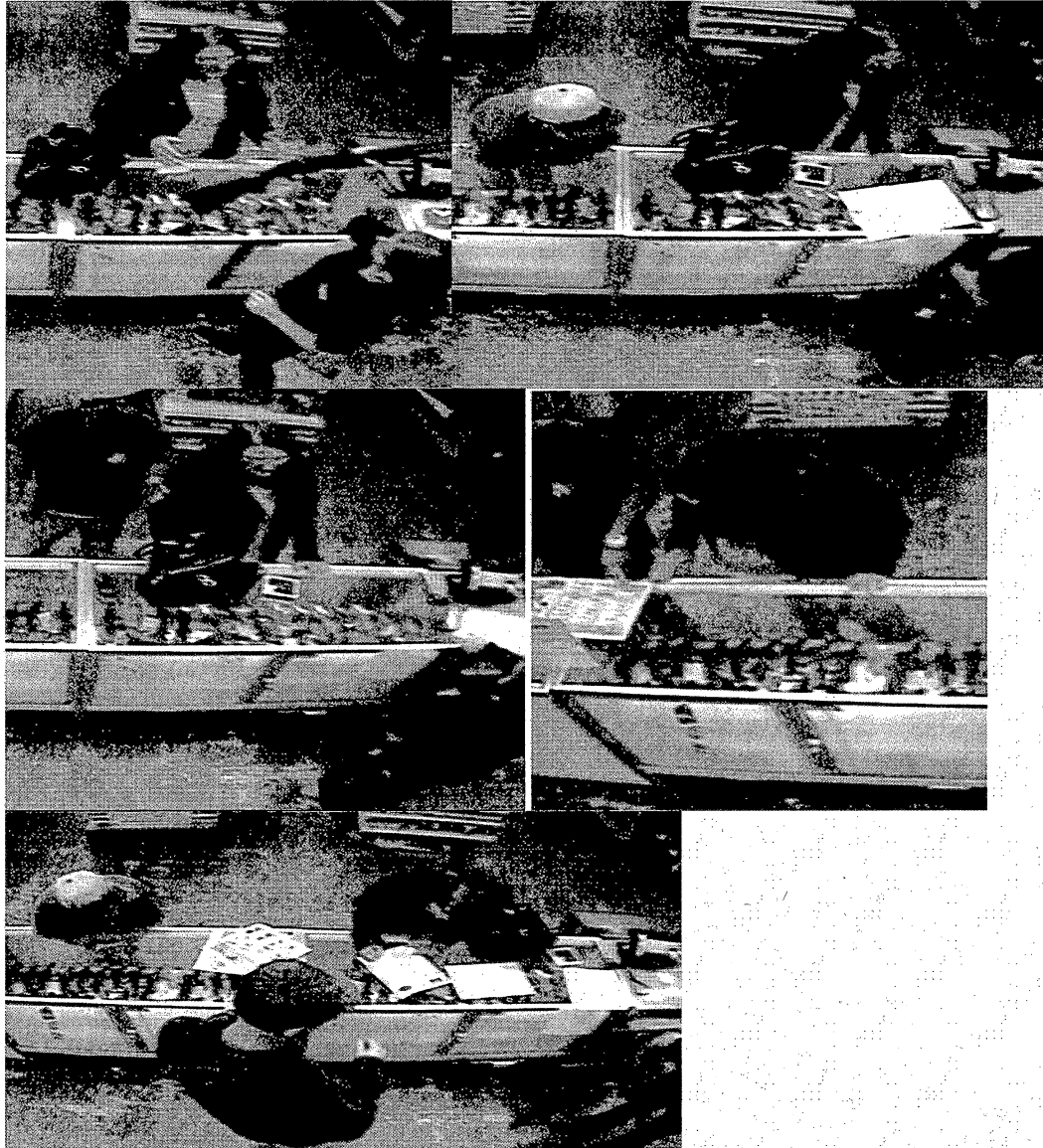


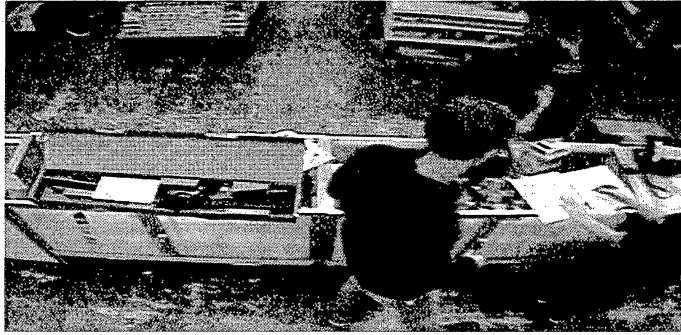


- LONG accompanies GRIFFITH while she completes ATF form 4473 and during the packaging of the firearm by the sales associate:



- During the process of purchasing the firearm, GRIFFITH was initially presented with a shotgun lacking a “pistol grip.” Upon observing this, LONG gains GRIFFITH’s attention and directs her to the sales flyer on the counter. Subsequent to this interaction with LONG, GRIFFITH communicates with the sales associate, who retrieves the “pistol grip” shotgun which is ultimately purchased.





- GRIFFITH and LONG accompany each other to the checkout counter, where LONG adds a bag of chips to the items being purchased by GRIFFITH. After paying for the items, GRIFFITH can then be seen receiving the firearm from the sales representative, as GRIFFITH departs the Dunham's store.



14. ATF also received a copy of the ATF form 4473 that was filled out and signed by GRIFFITH on September 29, 2018 during her purchase of the above referenced shotgun.
15. A review of the ATF Form 4473 revealed that GRIFFITH answered "yes" to question 11a., which asks, "Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you**

are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.”

16. Additionally, the ATF Form 4473 advises, directly above GRIFFITH’s signature, **“I understand that answering “yes” to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”**
17. A copy of the sales receipt was also obtained, indicating that GRIFFITH purchased the shotgun, ammunition and two bags of chips. The receipt was dated September 29, 2018 at 11:27 am.
18. During the month of December 2018, ATF reviewed jail calls made by Keith LONG from the Wayne County Jail to cellular number 734-732-1055, the known cellular phone number associated with Loretta GRIFFITH. Recorded conversations between LONG and GRIFFITH included the following:
 - While discussing the residence searched by ATF on November 20, 2018, LONG asked, “Did you get the guns from there?” GRIFFITH advised that she did not.
 - Prior to learning that ATF seized the above referenced shotgun, LONG advised that during the search warrant execution, “I hid the motherfuckers and I walked downstairs.” LONG further referred to multiple firearms when he stated, “They don’t have them. They didn’t even find them. All they wanted was me.” LONG then discussed his confidence that ATF does not have the firearm, because ATF would have contacted GRIFFITH about the firearm.
 - Upon discovery that ATF seized the above referenced shotgun, LONG immediately advised GRIFFITH that she needs to try to get the shotgun back. LONG advised that GRIFFITH has to communicate that GRIFFITH was attempting to sell the shotgun to one of the adult females at the location during the execution of the search warrant, Jennifer GRIFFEN.

- LONG inquired whether GRIFFITH still had the Bill of Sale for the above referenced shotgun.
- LONG told GRIFFITH that she needs to call and get the firearm back, because it is not stolen and it belongs to GRIFFITH. LONG stated, “It was never reported stolen or anything.”

19. On December 12, 2018, ATF executed a search warrant at 4607 Ohara Rd., Carleton, MI, where GRIFFITH resides with her husband, Richard.

20. During an interview of GRIFFITH’s husband, Richard GRIFFITH, SA Linen was advised that no firearms would be found within the home, due to the fact that firearms are forbidden from the home.

21. During the search of GRIFFITH’s residence, no firearms were in fact found in the home.

22. During the search of GRIFFITH’s residence, the cellular phone of GRIFFITH was recovered. Subsequent analysis of the cellular device revealed multiple relevant conversations, to include the following:

- On April 5, 2018, while arguing about LONG getting high, gambling and owing money, GRIFFITH told LONG to “Give the gun back too”
- On April 8, 2018, LONG told GRIFFITH, “I gotta stay on my shit red I need a room and my fucking gun im so vulnerable it’s sick fuck the cops”.
- On October 28, 2018, GRIFFITH told “Tammy” that GRIFFITH and LONG picked up LONG’s brother and “went and shot the gun”.
- On November 9, 2018, GRIFFITH advised “Tammy” that she took the firearm back from LONG.
- On November 9, 2018, GRIFFITH asked “Tammy” to keep the firearm at the residence of “Tammy”, because GRIFFITH does not want anyone to see it.
- On November 10, 2019, LONG stated to GRIFFITH, “Thanks for leaving me without my gun”, followed by “Stop bring me my gun”

- On November 14, 2018, LONG again advised GRIFFITH to bring LONG's firearm, specifically stating, "I live by it I die by it"
- On November 14, 2018, GRIFFITH and LONG discussed the return of the firearm to LONG. GRIFFITH told LONG that she did not have the firearm. At approximately the same time, GRIFFITH was also communicating with "Tammy" about getting the firearm back. GRIFFITH advised LONG that she planned on returning it, stating "I don't want it". LONG and GRIFFITH coordinate a plan to meet on the following day, in Ecorse, MI.
- On November 16, 2018, after coordinating to meet, LONG advised GRIFFITH to "pull up" at approximately 1430 hrs. (Surveillance confirmed that GRIFFITH picked LONG up at 49 Ridge St., Ecorse, MI, with LONG carrying a long gun case to GRIFFITH's car. After departing the residence, the two return approximately 80 minutes later, with LONG exiting GRIFFITH's car with the long gun case)

ADDITIONAL FIREARMS PURCHASED BY GRIFFITH IN 2018

23. ATF, through the use of the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Tracing Center, discovered that additional firearms were purchased by Loretta GRIFFITH in 2018.
24. On May 30, 2018, GRIFFITH purchased one Kel-Tec, Model P-11, 9mm pistol, serial number 04357 from SP Guns-N-Ammo in Southgate, Michigan.
25. On July 6, 2018, GRIFFITH purchased one ATI, Mil-Sport, 5.56mm semi-automatic rifle, serial number MSA004592 from Rhonda's Guns and Ammunition in Woodhaven, Michigan.
26. On August 24, 2018, GRIFFITH purchased one Sig Sauer, Model P250c, .45 caliber semi-automatic pistol, serial number EAK059730 from Wolverine Shooting Sports in Brownstown, Michigan.
27. Based on a search of the Law Enforcement Information Network (LEIN), none of these three firearms were ever reported stolen.

28. As referenced above, none of these firearms were located in GRIFFITH's home during the execution of the search warrant on December 12, 2018.
29. During a text message exchange between GRIFFITH and LONG on August 27, 2018, three days after GRIFFITH purchased the Sig Sauer .45, LONG informs GRIFFITH that he is leaving his current residence and going to a new house.
- GRIFFITH tells LONG: "I don't have any money. But you better take your shit that I've paid for with you."
 - LONG later replies: "I have them both now hunny."
 - LONG later informs GRIFFITH: "Magics I got my guns and here I am"
 - GRIFFITH asks LONG: "What about the 3rd one? You say you have 2 I bought you 3."

CONCLUSION

30. Based on the above stated facts, there is probable cause to believe that on or about September 29, 2018, in the Eastern District of Michigan, defendant Loretta GRIFFITH, did violate Title 18 U.S.C. Section 922(a)(6) (Making a False Statement to a Licensee to Obtain a Firearm).



Special Agent George Linen
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn and subscribed before me on this 28th day of March, 2019.



HONORABLE ELIZABETH A. STAFFORD
UNITED STATES MAGISTRATE JUDGE